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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-1000

13 **CYNTHIA BOOTH MCCOY**
14 **3342 22nd Street**
San Francisco, CA 94110
Registered Nurse License No. 554110
Nurse Practitioner Certificate No. 12209

FIRST AMENDED ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about April 9, 1999, the Board of Registered Nursing issued Registered Nurse
23 License Number 554110 to Cynthia Booth McCoy ("Respondent"). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2012, unless renewed.

26 3. On or about January 9, 2001, the Board of Registered Nursing issued Nurse
27 Practitioner Certificate Number 12209 to Respondent. The Nurse Practitioner Certificate was in
28

1 full force and effect at all times relevant to the charges brought herein and will expire on October
2 31, 2012, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license.

14 7. Section 2761 of the Code states:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct . . .

18 . . .

19 (e) Making or giving any false statement or information in connection with the
20 application for issuance of a certificate or license."

21 . . .

22 COST RECOVERY

23 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Verbal Abuse and/or Physical Abuse of Patient)

3 9. Respondent is subject to disciplinary action under section 2761(a) for unprofessional
4 conduct as on December 10, 2009, while employed as a registered nurse at San Francisco General
5 Hospital (“SFGH”), she was observed to verbally abuse and strike a psychiatric patient.

6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct – Violation of SFGH Policies and Procedures)

8 10. Respondent is subject to disciplinary action under section 2761(a) for unprofessional
9 conduct as on December 10, 2009, while employed as a registered nurse at San Francisco
10 General Hospital, she was observed to verbally abuse and strike a psychiatric patient, with said
11 conduct in violation of SFGH Administrative Policy No. 22.04 – Violence in the Workplace –
12 Zero Tolerance,¹ and SFGH Code of Professional Conduct as set forth in Administrative Policy
13 No. 3.13.²

14 THIRD CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct – False Statement on License Application)

16 11. Respondent is subject to disciplinary action under section 2761(f) for unprofessional
17 conduct as on February 22, 1999, Respondent under penalty of perjury, falsely represented on her
18 State of California Application for Licensure by Endorsement, that she had never had a license to
19 practice nursing revoked, suspended or placed on probation or otherwise disciplined in any way.
20 However, on or about January 5, 1995, Respondent voluntarily surrendered her Texas nursing
21 license number 506795.

22
23 PRAYER

24 ¹ SFGH Administrative Policy No. 22.04, provides in relevant part that: “SFGH has a
25 zero tolerance policy towards verbal or physical violence in the workplace.” Violence pursuant to
this policy is defined as “abuse (verbal or physical), threats and/or acts of assault.”

26 ² SFGH Administrative Policy No. 3.13 provides in relevant part that: “All SFGH
27 physicians and other providers, nurses, ancillary staff, administrators and employees are expected
28 to treat each other as well as patients and patient family members in a courteous, dignified, and
culturally respectful manner.”

1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
2 and that following the hearing, the Board of Registered Nursing issue a decision:

3 1. Revoking or suspending Registered Nurse License Number 554110, issued to Cynthia
4 Booth McCoy.

5 2. Revoking or suspending Nurse Practitioner Certificate Number 12209, issued to
6 Cynthia Booth McCoy.

7 3. Ordering Cynthia Booth McCoy to pay the Board of Registered Nursing the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 125.3.

10 4. Taking such other and further action as deemed necessary and proper.

11 DATED: August 18, 2011

12 Louise R. Bailey
13 LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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